

16 SEP 2008



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BUCHANAN, INGERSOLL & ROONEY PC  
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In re Application of	:	
GE et al.	:	
Application No.: 10/594,429	:	DECISION
PCT No.: PCT/US2005/010220	:	
Int. Filing Date: 25 March 2005	:	
Priority Date: 26 March 2004	:	
Attorney Docket No.: 1034136-000040	:	
For: POLYHYDROXY HYDROGENSULFATED	:	
TRIMETALLIC NITRIDE ENDOHEDRAL	:	
METLLOFULLERENES	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 14 February 2008 in the United States Patent and Trademark Office (USPTO).

**BACKGROUND**

On 25 March 2005, applicants filed international application PCT/US2005/010220, which designated the United States and claimed a priority date of 26 March 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 20 October 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 September 2006.

On 26 September 2006, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 14 February 2008, applicants the instant petition under 37 CFR 1.47(a).

**DISCUSSION**

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As to item (1), the fee has been paid.

As to item (2), it has been established that the non-signing inventor Harry C. Dorn refuses to execute the application.

As to item (3), a statement of the last known address of the non-signing inventor has been provided.

As to item (4), a declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor has been provided.

Declaration of Inventors

The declaration of inventors filed 14 February 2008 is in compliance with 37 CFR 1.497(a)-(b).

**CONCLUSION**

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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For: POLYHYDROXY HYDROGENSULFATED TRIMETALLIC NITRIDE ENDOHEDRAL  
METLLOFULLERENES

Dear Mr. Dorn:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

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